

To: House Judiciary Committee

From: John Goodyear, General Counsel

Date: January 25, 2023

RE: Neutral Testimony on HB 2028 – Written Only

I want to thank Chairman Patton and the members of the Committee for affording the League of Kansas Municipalities the opportunity to provide testimony on HB 2028.

HB 2028 represents work that spans multiple legislative sessions by numerous advocates, legislators, committees and groups seeking to increase access to expungements in Kansas. The bill before you today has been vetted by stakeholders all across the state and has been improved and made more workable at every step of the process. The reason for the League's neutrality on the bill is that is the intent of the bill that it not have an effect on municipal court expungement practices.

In 2021, I represented the League as an Ad-Hoc member of the Judicial Council Advisory Committee that considered automatic expungements and recommended the 2022 version of this legislation. In the committee's discussion, it became clear that it would be difficult to take this process to municipal courts, but that should not be a reason to hold the other courts of the state of Kansas back if a model like this was workable. For that reason, the Committee recommended that the legislation not have an effect on municipal courts – and it doesn't.

That being said, there is one reference to city ordinances in the legislation that may need to be removed from the bill to more clearly demonstrate legislative intent. We would ask that the Committee consider removing the phrase "or to violations of a city ordinance" from section 3 of the bill (Page one line 38). Removing this reference to municipal ordinances makes no changes to the effect of the bill, but serves to clarify that municipal expungements have not been brought under this act.

The League is grateful to have been part of the conversation on automatic expungements and is appreciative of the work done by all parties to produce this bill. We would ask that the Committee consider making the amendment mentioned above before recommending the legislation to the full House for consideration.